

Remarks/Arguments

I. In the instant Office Action, claims 1-36 are listed as pending and claims 1-36 are listed as subject to a restriction requirement and/or election requirement.

Claims 1-32 remain in the instant Application. Without conceding the correctness of the Examiner's position, Applicants have deleted claims 33-36 without waiver or prejudice to Applicants' right to pursue the subject matter of claims 33-36 in the instant Application or in one or more later-filed patent applications.

II. Applicants provisionally elect, with traverse, the following specie for prosecution on the merits:

D- β -Nal-Cys-Tyr-D-Trp-Lys-Val-Cys-Thr-NH₂,
which is disclosed in the instant Application, *inter alia*, at claim 23. (In the instant Application see p. 29, line 30.)

III. Applicants respectfully traverse the restriction requirement.

(A) In the Instant Office Action, at page 2 thereof, it is alleged that the claims of the instant Application are "not so linked as to form a single general inventive concept under PCT Rule 13.1" (Instant Office Action at p. 2, ll. 5-7). In particular, all of the claims are alleged to fall within a single "Group I", as follows:

Group I. Claims 1-37 [sic, 1-36] are drawn to a method of decreasing body weight and a specific somatostatin analog of SEQ ID No.:

No sequence ID number is provided, however presumably the "specific somatostatin analog" referred to in the foregoing definition of "Group I" is the compound detailed in Claim 33 (and

claim 34, by dependency), the only claim drawn to a pharmaceutical composition per se. However, claims 33-37 have been deleted, thus rendering moot this aspect of the Examiner's allegation.

(B) It is further alleged at page 2 of the instant Office Action, numbered paragraph 2, that the instant Application:

contains claims directed to the following patentably distinct groups of the claimed invention of Group I: R₁, R₂, R₃, and A₁, A₂, A₃, A₆, A₇, A₈ and several distinct somatostatin agonists, see for example, claims 24-25. The agonists are structurally and physically distinct, see for example, the sequence listing which exemplifies that SEQ ID No: 1 and 3 are structurally different.

However, Applicants respectfully direct the Examiner's attention to the clear language of the instant claims, which define Applicants' invention, not as a chemical structure or unlimited pharmaceutical composition, but rather as a *method* of decreasing body weight. Specifically, as exemplified by claim 1, below, the invention is directed to

"1. A *method of decreasing body weight* in a patient, said method comprising administering a therapeutically effective amount of *somatostatin or a somatostatin agonist* to said patient",

(emphasis added). Importantly, the scope of claim 1 encompasses all of the remaining claims 2-32 of the instant Application, as presently amended, which are drawn to exemplary types of somatostatin agonists with which, or exemplary types of patient conditions in which, the invention may apply.

(C) It is still further alleged at page 2 of the instant Office Action, numbered paragraph 2, that the prior reads on the invention, as follow:

the composition contained in Group I does not escape the prior art because the prior art teaches a pharmaceutical composition which renders the invention of Group I as being anticipated/obvious (see Carretta et al., Journal of Hypertension, vol. 7, pages 196-197, June 1989),

(instant Office Action at p. 2, lines 21-24).

The forgoing passage further illustrates that the Examiner has mistakenly interpreted all of the claims of the instant Application as being drawn to somatostatin compositions. As detailed in III.B., above, such an interpretation is simply incorrect.

In sum, all of the claims of the instant Application, as presently amended, share the single, inventive general concept, namely, a method of decreasing body weight in a patient comprising administering a therapeutically effective amount of somatostatin or a somatostatin agonist to said patient.

Based on the foregoing, Applicants believe that the Examiner's stated reasons for issuance of the restriction requirement have been obviated. Applicants respectfully request that the restriction requirement be withdrawn and that claims 1-32 be examined together in the same application. Prompt and favorable action is solicited.

Respectfully submitted,

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